



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

James L. Lalonde

Serial No. 09/928,810

Filed: August 13, 2001

For: SYNTHESIS OF 2-OXOGLUTAR-
AMATE FROM L-GLUTAMINE

PATENT APPLICATION

Group Art Unit: 1651

Examiner: Irene Marx

Attorney Docket No.: 1690A1

DECLARATION

Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

The undersigned declarant, Linda Pingitore, hereby declares as follows:

That she is a patent attorney for PPG Industries, Inc., parent company of its wholly owned subsidiary, PPG Industries Ohio, Inc., assignee of the above-captioned patent application, and is the attorney that is responsible for handling said patent application;

That the Examiner in charge of the above-captioned application has requested on page 3 of her Communication dated April 14, 2003 that Applicant or Applicant's representative provide assurance of compliance with the requirements of 35 U.S.C. §112, first paragraph; namely, that the deposit of bacteria mentioned on page 5 of the specification meets all of the criteria set forth in 37 CFR 1.801-1.809;

That, as stated on page 5 of the specification, strains of the bacteria *Providencia sp.* (PCM 1298 and PCM 1270), and *Proteus mirabilis* (PCM 1353) were deposited at the American Type Culture Collection (ATCC), 10801 University Blvd., Manassas, Virginia 20110-2209 on July 25, 2001; that these bacteria strains received accession numbers PTA-3563, PTA-3564 and PTA-3562 respectively; that attached hereto as Exhibit A is a letter from Marie Harris, patent specialist at the ATCC, dated August 3, 2001 to the applicant, James Lalonde, acknowledging the deposit and identifying the aforementioned accession numbers;

That, according to Ms. Harris:

1. ATCC affords permanence to such a deposit and ready accessibility thereto by the public if a patent is granted.

2. All restrictions (if any) on the availability to the public of said deposits will be irrevocably removed upon the granting of a patent,

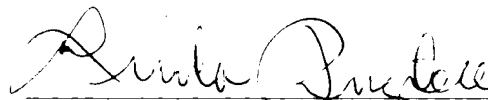
3. The foregoing deposits have been made under conditions that access thereof will be available during the pendency of the above-captioned patent application to one determined by the Commissioner of Patents to be entitled thereto under 37 CFR 1.14 and 35 U.S.C. §122, and

4. The foregoing deposits will be maintained with all the care necessary to keep them viable and uncontaminated for a period of at least five years after the most recent request for the furnishing of a sample of the deposited microorganism(s), and in any case, for a period of at least thirty (30) years after the date of the deposit or the enforceable life of the patent, whichever period is longer.

That the undersigned declarant declares that all statements made herein of her own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements are made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the instant patent application or any patent issuing thereon.

DECLARANT

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Pittsburgh, Pennsylvania
June 17, 2003